N.007 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-06308-CR-KING

UNITED STATES OF AMERICA)
)
S.)
)
LUIS NAVIA)
)

GOVERNMENT'S MOTION TO MODIFY AND TO TERMINATE DEFENDANT'S SUPERVISED RELEASE

COMES NOW the United States of America by and through its undersigned Assistant United States Attorney and files this motion pursuant to Title 18, United States Code, §3583(e)(1) and (2), to modify and to terminate the term of supervised release of defendant Navia. In support of this motion, the government states as follows:

- 1. Defendant Navia is presently serving a term of supervised release, after serving a prison sentence imposed by this Court on his guilty plea to a count of the indictment in this case.¹
- 2. Defendant Navia has been serving this term of supervised release since 2005. He has until July, 2009, to complete this term. He also is required to engage in 50 hours of community service as a condition of supervised release.
- 3. Modification of and/or early termination of a term of supervised release is authorized by Title 18, United States Code, §3583(e)(1) and (2) which provides:

¹Defendant Navia was also serving a concurrent prison sentence imposed by this Court after defendant's guilty plea to a Title 21 count in indictment no. 95-10007-Cr-King. The government on April 8, 2008, filed a motion identical to this one in that case for the identical relief, to modify and to terminate defendant Navia's supervised release that he was serving concurrently with the supervised release imposed by this Court in this case (DE #150-1). This Court granted the government's motion in case no. 95-10007-Cr-King on April 11, 2008 (DE #151).

- (e) Modification of conditions or revocation. -- The court may, after considering the factors set forth in section 3553(1)91, (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) --
- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal rules of Criminal Procedure relating to the modification of probation, it if is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;
- (2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision.
- 4. The government submits that it is in the interest of justice, and warranted by the defendant's conduct, to modify his conditions of release by annulling the requirement of performing 50 hours of community service, and by terminating the balance of the term of his supervised release.
- 5. Ruben Oliva, Esq., attorney for defendant Navia, has no objection to the granting of this motion.

WHEREFORE, for all of the above reasons, the government respectfully requests the Court grant the above-referenced relief.

Respectfully submitted

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